

# Arizona College of Emergency Physicians

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September 28, 2018

Mary E. Kosinski

Arizona Department of Insurance

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Phoenix, Arizona 85007-2624

Sent via email: [publiccomments@azinsurance.gov](mailto:publiccomments@azinsurance.gov)

[mkosinski@azinsurance.gov](mailto:mkosinski@azinsurance.gov)

Dear Mrs. Kosinski:

On behalf of the Arizona College of Emergency Physicians (AzCEP), we are submitting our comments to the Arizona Department of Insurance (ADOI) on their draft proposed rules to clarify the out-of-network billing dispute resolution process.

As active participants in the 2017 Arizona legislative session's SB 1441 Insurers; health providers; claims arbitration and the 2018 Arizona legislative session's SB 1064 Insurers; health providers; claims arbitration, we appreciate the opportunity to comment on the Arizona Department of Insurance's proposed rules.

Here are our comments and recommended changes to the ADOI draft proposed rules:

1) R20-6-2401

We would recommend that a new definition be added to the Definitions Section:

12 "Notification" means:

- a. email with a Return Receipt Requested in the form of an electronic copy of the recipient's signature;
- b. telephone notification with a certification from the caller that the enrollee, health insurer and health care provider received the call; or
- c. USPS certified mail with a Return Receipt requested in the form of a post card signed by the recipient.

Notice to all affected parties is a vital element throughout these statutes and without adequate notice, the dispute resolution process will not work as envisioned by the Legislature.

2) R20-6-2401 7

We would recommend that the Definition of "Days" means "Business Days unless specified as calendar days" rather than "Calendar Days unless specified as business days" which is currently contained in the ADOI draft proposed rules.

Our concern with the use of "calendar days" rather than "business days" is that during certain times of the year, including holidays, two weeks and one day (15 calendar days) may not be a sufficient time period for all of the affected parties to adequately receive notice and then respond in a timely manner.

3) R20-6-2402 C1

We would recommend that the notification requirement include:

- a. an email with a Return Receipt requested in the form of an electronic copy of the recipient's signature;
- b. telephone notification with a certification from the caller that the enrollee, health insurer and health care provider received the call; or

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- c. USPS certified mail with a Return Receipt requested in the form of a post card signed by the recipient.

IF the decision is made not to add a new definition under R20-6-2401 for "Notification, then these notification requirements need to be included in this section. Once again, to ensure that the affected parties are actually notified so that the dispute resolution process can proceed.

- 4) R20-6-2404

We would recommend a cap of \$400 placed on arbitration costs unless both parties agree.

It makes little economic sense to the affected parties to have an \$800 arbitration cost on a disputed bill of only \$1,100.

Finally, we would recommend that the Arizona Department of Insurance establish an out-of-network dispute resolution process review committee consisting of at least one representative from the health insurer industry and the health care provider industry to meet quarterly with the ADOI for at least two years after the effective date of these Rules. This committee would review the arbitration process and make recommendations for changes if deemed necessary to ensure that the process is working fairly for all parties.

We appreciate the opportunity to comment on the ADOI draft proposed rules and thank you for your consideration of our recommendations.

Respectfully,



Casey Solem, MD  
President, Arizona College of Emergency Physicians (AzCEP)



Alan Levene, MD  
Treasurer and Legislative Liaison, Arizona College of Emergency Physicians (AzCEP)